

**SEVENTY-FOURTH LEGISLATIVE DAY  
THURSDAY, MARCH 24, 2005**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Ellsworth. Total -- 1.

Total -- 70.

Prayer was offered by Representative Anderson.

The Pledge of Allegiance was led by Valerie Bedke, Page.

**Approval of Journal**

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that Leon E. Smith, State Representative, District 24, House Seat A, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Allan Frost, of Twin Falls, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Allan Frost, Acting State Representative, District 24, House Seat A, State of Idaho, for a term commencing on Thursday, March 24, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 23rd day of March in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE  
Governor  
/s/ BEN YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Frost.

OFFICE OF THE GOVERNOR  
Boise

March 22, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

**H 125**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

March 23, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 33, H 50**, as amended in the Senate, **H 56, H 75, H 122**, as amended in the Senate, **H 183, H 184, H 278**, and **H 294**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

March 23, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1034, S 1035, S 1036**, as amended, **S 1044**, as amended, **S 1080, S 1129, S 1130**, as amended, **S 1134, S 1135, S 1136**, as amended, **S 1154**, as amended, **S 1156, S 1161**, as amended, **S 1166, S 1169, S 1194, S 1195, SCR 116, SCR 117**, and **SJM 108** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1034, S 1035, S 1036**, as amended, **S 1044**, as amended, **S 1080, S 1129, S 1130**, as amended, **S 1134, S 1135, S 1136**, as amended, **S 1154**, as amended, **S 1156, S 1161**, as amended,

**S 1166, S 1169, S 1194, S 1195, SCR 116, SCR 117, and SJM 108** and, when so signed, ordered them returned to the Senate.

March 23, 2005

Mr. Speaker:

I return herewith enrolled **H 297, H 64, H 302, and H 309** which have been signed by the President.

WOOD, Secretary

Enrolled **H 297, H 64, H 302, and H 309** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 23, 2005

Mr. Speaker:

I transmit herewith **SCR 118, S 1221, S 1222, S 1223, S 1224, S 1225, S 1192, and S 1217** which have passed the Senate.

WOOD, Secretary

**SCR 118, S 1221, S 1222, S 1223, S 1224, S 1225, S 1192, and S 1217** were filed for first reading.

March 23, 2005

Mr. Speaker:

I return herewith **HJM 6, H 343, H 344, H 345, H 346, H 347, H 348, H 85, as amended, H 49, as amended, H 23, H 249, H 247, as amended, H 203, as amended, H 207, H 208, as amended, H 70, H 17, H 88, H 72, H 73, H 74, H 161, H 135, H 234, H 162, and H 283** which have passed the Senate.

WOOD, Secretary

**HJM 6, H 343, H 344, H 345, H 346, H 347, H 348, H 85, as amended, H 49, as amended, H 23, H 249, H 247, as amended, H 203, as amended, H 207, H 208, as amended, H 70, H 17, H 88, H 72, H 73, H 74, H 161, H 135, H 234, H 162, and H 283** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

#### Report of Standing Committees

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 375** and House Amendments to **S 1164**, as amended, and **H 298**.

FIELD(18), Chairman

**H 375** was filed for second reading.

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, H 342, H 38, H 97, as amended, H 252, H 271, H 261, H 197, as amended, H 159, H 138, H 263, H 139, as amended, H 160, as amended, H 54, H 68, as amended, H 193, and H 266**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, H 342, H 38, H 97, as amended, H 252, H 271, H 261, H 197, as amended, H 159, H 138, H 263, H 139, as amended, H 160, as amended, H 54, H 68, as amended, H 193, and H 266**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 298**, as amended.

FIELD(18), Chairman

**H 298**, as amended, was filed for first reading of engrossed bills.

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 296, H 303, H 304, and H 305** to the Governor at 12:05 p.m., as of this date, March 23, 2005.

FIELD(18), Chairman

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 12** to the Secretary of State at 12:02 p.m., as of this date, March 23, 2005.

FIELD(18), Chairman

March 23, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **HCR 25** and recommend that it do pass.

STEVENSON, Chairman

**HCR 25** was filed for second reading.

March 23, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 372, H 373, and H 374** and report them back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

**H 372, H 373, and H 374** were placed on General Orders for consideration.

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1160** and recommend that it do pass.

BARRACLOUGH, Chairman

**S 1160** was filed for second reading.

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 368** and recommend that it do pass.

CROW, Chairman

**H 368** was filed for second reading.

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 369** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

**H 369** was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

**SCR 118**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

##### **HOUSE BILL NO. 376**

##### **BY WAYS AND MEANS COMMITTEE**

##### **AN ACT**

RELATING TO COUNTY-BASED INTERMODAL COMMERCE AUTHORITIES; AMENDING SECTION 70-2203, IDAHO CODE, TO PROVIDE FOR THE CREATION OF AN INDEPENDENT PUBLIC BODY TO BE KNOWN AS THE LOCAL COUNTY-BASED INTERMODAL COMMERCE AUTHORITY; AND DECLARING AN EMERGENCY.

##### **HOUSE BILL NO. 377**

##### **BY APPROPRIATIONS COMMITTEE**

##### **AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2006; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEY; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; ALLOWING

TRANSFERS IN EXCESS OF TEN PERCENT BETWEEN CERTAIN PROGRAMS; AND PROVIDING LEGISLATIVE INTENT ON THE USE OF TRAINING FUNDS.

##### **HOUSE BILL NO. 378**

##### **BY APPROPRIATIONS COMMITTEE**

##### **AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES IN THE CHILDREN'S MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE CHILDREN'S MENTAL HEALTH PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES IN THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEY; ALLOWING TRANSFERS IN EXCESS OF TEN PERCENT BETWEEN CERTAIN PROGRAMS; AND PROVIDING LEGISLATIVE INTENT FOR OVERSIGHT BY THE IDAHO COUNCIL FOR CHILDREN'S MENTAL HEALTH.

##### **HOUSE BILL NO. 379**

##### **BY APPROPRIATIONS COMMITTEE**

##### **AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE COMMUNITY HOSPITALIZATION PROGRAM FOR FISCAL YEAR 2006; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL NORTH PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE STATE HOSPITAL NORTH PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL SOUTH PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE STATE HOSPITAL SOUTH PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS.

##### **HOUSE BILL NO. 380**

##### **BY APPROPRIATIONS COMMITTEE**

##### **AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM

FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS.

**HOUSE BILL NO. 381**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2006; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS.

**HOUSE BILL NO. 382**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE PHYSICAL HEALTH SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE EMERGENCY MEDICAL SERVICES PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE EMERGENCY MEDICAL SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE LABORATORY SERVICES PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE LABORATORY SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE SUBSTANCE ABUSE SERVICES PROGRAM FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE SUBSTANCE ABUSE SERVICES PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND EXPRESSING LEGISLATIVE INTENT

WITH REGARD TO CYSTIC FIBROSIS.

**HOUSE BILL NO. 383**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2006; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 384**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2006; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AUTHORIZING THE EXPENDITURE OF ALL RECEIPTS COLLECTED; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 385**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR ADMINISTRATION AND MANAGEMENT FOR FISCAL YEAR 2006; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR PROVIDER PAYMENTS FOR FISCAL YEAR 2006; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2005; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2005; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEY; AUTHORIZING THE EXPENDITURE OF ALL RECEIPTS COLLECTED; DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE TO DISCONTINUE PAYING FOR NONMEDICALLY NECESSARY CIRCUMCISION OF MALE INFANTS; DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE TO DEVELOP APPROPRIATE AND EFFECTIVE MENTAL HEALTH TREATMENT; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY FOR SECTIONS 3 AND 4 OF THIS ACT.

**HOUSE BILL NO. 386**  
**BY WAYS AND MEANS COMMITTEE**

## AN ACT

RELATING TO CIGARETTE TAXES; AMENDING SECTION 63-2506, IDAHO CODE, TO REVISE THE RATE OF THE CIGARETTE TAX EFFECTIVE JULY 1, 2005, UNTIL JUNE 30, 2007, TO PROVIDE A CIGARETTE TAX RATE AFTER JULY 1, 2007, AND TO REVISE DISTRIBUTIONS; AMENDING SECTION 63-2509, IDAHO CODE, TO REVISE THE PERCENTAGE THAT WHOLESALERS ARE COMPENSATED FOR AFFIXING STAMPS ON PACKAGES OF CIGARETTES; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE THE DISTRIBUTION FORMULA FOR CIGARETTE TAX MONEYS AND TO MAKE A TECHNICAL CORRECTION; AND TO PROVIDE SEVERABILITY.

## HOUSE BILL NO. 387

## BY REVENUE AND TAXATION COMMITTEE

## AN ACT

RELATING TO THE IDAHO HOUSING AND FINANCE ASSOCIATION; AMENDING SECTION 67-6201, IDAHO CODE, TO PROVIDE THAT FINANCIAL ASSISTANCE FOR ECONOMIC DEVELOPMENT PROJECTS IS A PUBLIC PURPOSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6205, IDAHO CODE, TO DEFINE "ECONOMIC DEVELOPMENT PROJECT OR PROJECTS" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6206, IDAHO CODE, TO PROVIDE POWERS OF THE ASSOCIATION RELATING TO THE FINANCING OF ECONOMIC DEVELOPMENT PROJECTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6207A, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS OF THE ASSOCIATION RELATING TO LOANS FOR ECONOMIC DEVELOPMENT PROJECTS; AND AMENDING SECTION 67-6223, IDAHO CODE, TO EXTEND THE BORROWING POWER AND ADMINISTRATIVE POWERS OF THE ASSOCIATION TO INCLUDE RECEIPT AND ADMINISTRATION OF PRIVATE SOURCES OF FINANCIAL ASSISTANCE FOR ECONOMIC DEVELOPMENT PROJECTS.

**H 376, H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, H 385, H 386, and H 387** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1192**, by State Affairs Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

**S 1217**, by State Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

**S 1164**, as amended, as amended in the House, by Judiciary and Rules Committee, was introduced, read the first time by title, and filed for second reading.

**S 1221, S 1222, S 1223, S 1224, and S 1225**, by Finance Committee, were introduced, read the first time by title, and filed

for second reading.

## First Reading of Engrossed Bills

**H 298**, as amended, by Revenue and Taxation Committee, was introduced, read the first time by title and filed for second reading.

## Second Reading of Bills and Joint Resolutions

**HCR 26**, by Ways and Means Committee, was read the second time by title and filed for third reading.

**S 1180**, and **S 1163**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

**H 336**, as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

**S 1189** and **S 1062**, as amended, as amended in the House, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

**S 1104**, by Local Government and Taxation Committee, was read the second time by title and filed for third reading.

**HJM 8** and **H 308**, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**S 1086**, as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

**S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and S 1216**, by Finance Committee, were read the second time by title and filed for third reading.

## Third Reading of Bills and Joint Resolutions

**S 1174**, having previously been read the third time at length, was placed before the House for final consideration.

The question being, "Shall **S 1174** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Hart, McKague, Wood. Total -- 4.

Absent and excused -- Crow, Ellsworth. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1174** passed the House. Title was approved and the bill was ordered returned to the Senate.

**HP 4** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Kemp to open debate.

The question being, "Shall **HP 4** be adopted?"

Whereupon the Speaker declared **HP 4** adopted by voice vote and ordered the proclamation filed in the Office of the Chief Clerk.

**SCR 114** was read the third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail and Mr. Smylie to open debate.

The question being, "Shall **SCR 114** be adopted?"

Roll call resulted as follows:

AYES -- Bastian, Bell, Black, Boe, Bradford, Cannon, Collins, Deal, Edmunson(Barker), Field(23), Garrett, Henbest, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sayler, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 34.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bilbao, Block, Bolz, Chadderdon, Clark, Crow, Denney, Eskridge, Field(18), Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Wills, Wood. Total -- 35.

Absent and excused -- Ellsworth. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **SCR 114** failed to be adopted and ordered the resolution returned to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1221** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1221** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Barrett, Black, Ellsworth, Raybould. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1221** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

Mr. Bedke asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1221**. There being no objection, it was so ordered.

The question being, "Shall **S 1221** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 59.

NAYS -- Boe, Jaquet, Jones, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Sayler, Trail. Total -- 10.

Absent and excused -- Ellsworth. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1221** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

### Consideration of Messages from the

**Governor and the Senate**

March 24, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1122**, as amended in the House, and **S 1193** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1122**, as amended in the House, and **S 1193** and, when so signed, ordered them returned to the Senate.

March 24, 2005

Mr. Speaker:

I return herewith enrolled **HCR 17, HJM 4, H 316, H 191, H 192, H 204, H 205, H 206, H 245, H 165, H 94**, as amended, **H 157, H 67, H 132, H 133, H 229, H 18, H 231, H 185**, as amended, **H 182, H 178, H 40, H 99, H 264, H 214**, as amended, and **H 224** which have been signed by the President.

WOOD, Secretary

Enrolled **H 316, H 191, H 192, H 204, H 205, H 206, H 245, H 165, H 94**, as amended, **H 157, H 67, H 132, H 133, H 229, H 18, H 231, H 185**, as amended, **H 182, H 178, H 40, H 99, H 264, H 214**, as amended, and **H 224** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HCR 17** and **HJM 4** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Mr. Denney moved that the House recess until 2:30 p.m. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House at recess until 2:30 p.m.

**RECESS****Afternoon Session**

The House reconvened at 2:30 p.m., Mr. Denney in the Chair.

Roll call showed 68 members present.

Absent and excused -- Barrett, Ellsworth. Total -- 2.

Total -- 70.

Prior to recess, the House was at the Fourth Order of Business.

**Consideration of Messages from the Governor and the Senate**

There being no objection, the House advanced to the Twelfth Order of Business.

**Consideration of General Orders**

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Saylor. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker Pro Tem returned to the Chair and the House was in order.

**Report of the Committee of the Whole House**

March 24, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 372, H 373, H 374**, and **H 369** and report them back without recommendation, amended as follows:

**HOUSE AMENDMENTS TO H 372****AMENDMENT TO SECTION 5**

On page 5 of the printed bill, in line 27, delete "Any" and insert: "Except as provided in section 42-5276, Idaho Code, any".

**AMENDMENT TO SECTION 24**

On page 15, in line 13, delete "repealed." and insert: "amended to read as follows:"; and following line 13 insert: "42-5276. INCLUSION OF IRRIGATION DISTRICTS ORGANIZED UNDER TITLE 43. Where the water supply for lands is ground water provided by an irrigation district established under title 43, Idaho Code, and such lands are included in and subject to assessment by the irrigation district, such lands shall be included in a ground water district organized under the provisions of this chapter only if the board of the irrigation district ~~serves notice in the same manner as that provided for nonirrigators in section 42-5214(2) and (3), Idaho Code~~ files a petition for annexation into the district under section 42-5245, Idaho Code.".

**CORRECTIONS TO TITLE**

On page 2, in line 10, delete "REPEALING" and insert: "AMENDING"; and on line 11, following "CODE" insert: ", TO PROVIDE THAT CERTAIN IRRIGATION DISTRICTS SHALL BE INCLUDED IN GROUND WATER DISTRICTS ONLY UPON FILING OF A PETITION FOR ANNEXATION".

**HOUSE AMENDMENTS TO H 372****AMENDMENT TO SECTION 1**

On page 2 of the printed bill, in line 36, following "Code" insert: " , and provided, that for purposes of this chapter, the term ground water user shall not include any ground water right owned by an Indian tribe or by tribal members for diversion and use within an Indian reservation, ground water rights owned by the

United States or ground water rights owned by the state of Idaho".

#### AMENDMENTS TO SECTION 5

On page 5, in line 19, following "DISTRICT" insert: "NOTICE AND HEARING FOR MEMBERS INCLUDED IN DISTRICT AFTER MARCH 31, 2005 -- ORDER -- APPEAL AND CONCLUSIVENESS"; in line 20, delete "are" and insert: "are shall be"; in line 27, delete ", due to the type of use being"; in line 28, delete "made of water under the user's water right"; in line 29, delete "on and after such"; delete line 30 and insert: "upon order of the board finding and confirming that inclusion of such ground water user is in the best interests of the district and that such ground water user shall receive benefits from such inclusion as a member. Such order may be made only after the board shall have caused a notice of such hearing to be published in the manner of notices of elections, which notice shall state that all persons interested in or that may be affected by such inclusion as a member shall appear at the time and place named in the notice and show cause in writing why they should not be included as a member. The board, at the time mentioned in said notice shall hear any objections to inclusion. The failure of any person to file with the district office an objection to inclusion as a member prior to the noticed hearing shall be taken as an assent on his part to such inclusion as a member of the district. Any order confirming the inclusion of ground water users as members of the district shall be certified by the board president and secretary and filed for record in the recorder's office of each county within which are situated any lands of the district and notice of the order shall be published in the manner of notices of elections. Any person who properly has filed an objection to inclusion as a member shall have the right to appeal to the district court of the county in which such person's ground water right is situated, provided such appeal shall be made within thirty (30) days from the date of publication of the order confirming such inclusion. After said thirty (30) day appeal period, no one shall have any cause or right of action to contest the legality, formality or regularity of said order of inclusion for any reason whatsoever, and thereafter, said inclusion and the constitution and validity of the district shall be considered valid and incontestable without limitation. Any ground water user who previously was not a member of the district as of March 31, 2005, that is included as a member upon order of the board shall be liable for his proportionate share of all costs of the district incurred after such date, including his proportionate share of all bonded, warrant or other indebtedness incurred prior to March 31, 2005.".

#### AMENDMENTS TO SECTION 12

On page 9, in line 33, following "consideration" insert: ", without limitation,"; delete lines 35 through 37 and insert: "other attributes of the ground water rights appurtenant to the assessed lands, and/or the benefits the member derives from a mitigation plan or other activity of the district and whether the member has an individual mitigation plan.".

#### CORRECTIONS TO TITLE

On page 1, in line 12, delete "AN EFFECTIVE DATE OF MEMBERSHIP FOR CERTAIN USERS," and insert: "FOR ORDERS OF THE BOARD RELATING TO INCLUSION OF

CERTAIN GROUND WATER USERS IN GROUND WATER DISTRICTS, TO PROVIDE FOR NOTICE OF HEARING, TO PROVIDE FOR HEARING, TO PROVIDE FOR OBJECTIONS TO INCLUSION, TO PROVIDE FOR THE CERTIFICATION AND FILING OF ORDERS OF INCLUSION, TO PROVIDE FOR CERTAIN APPEALS, TO PROVIDE FOR CONCLUSIVENESS OF ORDERS OF INCLUSION, TO PROVIDE THAT CERTAIN GROUND WATER USERS INCLUDED AS MEMBERS UPON ORDER OF THE BOARD SHALL BE LIABLE FOR SPECIFIED COSTS OF THE DISTRICT,"; in line 25, delete "TO REVISE PROVISIONS RELATING TO THE LEVY OF"; in line 26, delete "ASSESSMENTS" and insert: "TO DELETE CERTAIN PROVISIONS RELATING TO ASSESSMENTS FOR GROUND WATER USERS THAT BECOME MEMBERS OF DISTRICTS FOR MITIGATION PURPOSES AND TO AUTHORIZE GROUND WATER DISTRICT BOARDS TO LEVY ASSESSMENTS THAT ADJUST A MEMBER'S PROPORTIONATE SHARE TO TAKE INTO CONSIDERATION INDIVIDUAL MITIGATION PLANS".

#### HOUSE AMENDMENT TO H 373

##### AMENDMENTS TO SECTION 4

On page 2 of the printed bill, delete lines 34 and 35 and insert: "and above the cost of projects financed by revenue bonds, revenues collected by or on behalf of water user entities for the purpose of repaying indebtedness under applicable statutory authority, revenues received from"; and in line 37, following "lands," insert: "revenues received from the lease of water rights,".

#### CORRECTIONS TO TITLE

On page 1, in line 3, delete "RESOURCES" and insert: "RESOURCE"; and delete lines 9 through 11 and insert: "ING SECTION 42-1753, IDAHO CODE, TO PROVIDE THAT CERTAIN REVENUES COLLECTED BY OR ON BEHALF OF WATER USER ENTITIES AND REVENUES RECEIVED FROM THE LEASE OF WATER RIGHTS SHALL BE PLACED IN THE REVOLVING DEVELOPMENT FUND; AMENDING SECTION 42-1754, IDAHO CODE, TO PRO-".

#### HOUSE AMENDMENT TO H 374

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 23, delete "as an expense of delivering water"; in line 26, delete "expenses" and insert: "department's costs"; in line 30, delete "two" and insert: "one (1) or more"; in line 31, delete "(2) water users" and insert: "water user representative(s)"; in line 33, following "section." insert: "The number of water users to be selected to serve on the advisory committee from each water district shall be apportioned based on the amount of water delivered in each water district."; in line 34, delete "as an"; in line 35, delete "expense of delivering water"; in line 37, delete "year. The inflation factor"; delete lines 38 and 39 and insert: "year as determined by the joint finance-appropriations committee of the legislature.".

#### CORRECTIONS TO TITLE



On page 1, in line 6, delete "AS AN EXPENSE OF DELIVERING WATER"; in line 7, delete "EXPENSES" and insert: "COSTS"; in line 9, delete "USERS" and insert: "USER REPRESENTATIVES"; and also in line 9, following "COMMITTEE" insert: ", TO PROVIDE FOR THE APPORTIONMENT OF ADVISORY COMMITTEE MEMBERS,"; in line 10, delete "AS"; delete line 11 and insert: "IN WATER DISTRICT BUDGETS."

#### HOUSE AMENDMENT TO H 369

##### AMENDMENT TO THE BILL

On page 3 of the printed bill, delete lines 5 and 6; and in line 7, delete "SECTION 3" and insert: "SECTION 2".

##### CORRECTION TO TITLE

On page 1, delete lines 4 through 6 and insert: "MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-3622JJ,".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Ms. Jaquet.

Whereupon the Speaker Pro Tem declared the report adopted.

**H 372**, as amended, **H 373**, as amended, **H 374**, as amended, and **H 369**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

#### Report of Standing Committees

March 24, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 376** and **H 386**.

FIELD(18), Chairman

**H 376** was referred to the State Affairs Committee.

**H 386** was referred to the Revenue and Taxation Committee.

There being no objection, the House returned to the Fourth Order of Business.

#### Consideration of Messages from the Governor and the Senate

March 24, 2005

Mr. Speaker:

I transmit herewith **S 1220** which has passed the Senate.

WOOD, Secretary

**S 1220** was filed for first reading.

March 24, 2005

Mr. Speaker:

I return herewith **H 213**, **H 219**, **H 220**, **H 221**, **H 238**, **H 280**, **H 299**, **H 253**, **H 215**, **H 265**, as amended, **H 188**, as amended, **H 282**, **H 277**, and **H 319** which have passed the Senate.

WOOD, Secretary

**H 213**, **H 219**, **H 220**, **H 221**, **H 238**, **H 280**, **H 299**, **H 253**, **H 215**, **H 265**, as amended, **H 188**, as amended, **H 282**, **H 277**, and **H 319** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House advanced to the Eighth Order of Business.

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

**S 1220**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

There being no objection, the House returned to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1222** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1222** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Saylor, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1222** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bayer to open debate.

The question being, "Shall **S 1222** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24)(Frost), Stevenson, Wills, Wood. Total -- 46.

NAYS -- Bastian, Boe, Edmunson(Barker), Ellsworth, Henbest, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Shepherd(2), Smith(30), Smylie, Snodgrass, Trail. Total -- 21.

Absent and excused -- Barrett, Block, Mr. Speaker. Total -- 3.

Paired Vote:

AYE -- Bradford    NAY -- Ellsworth  
(Pair enumerated in the roll call above)

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1222** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1223** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1223** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth,

Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1223** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

The question being, "Shall **S 1223** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24)(Frost), Snodgrass, Stevenson, Wood, Mr. Speaker. Total -- 51.

NAYS -- Boe, Ellsworth, Henbest, Jaquet, Jones, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Shepherd(2), Smith(30), Smylie, Trail. Total -- 17.

Absent and excused -- Barrett, Wills. Total -- 2.

Paired Vote:

AYE -- Bradford.    NAY -- Ellsworth.  
(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1223** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 375** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 375** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Sayler, Schaefer, Shepherd(2), Shirley, Skippen,

Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 375** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

The question being, "Shall **H 375** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Rydalch, Saylor, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Wood, Mr. Speaker. Total -- 53.

NAYS -- LeFavour, Ringo, Trail. Total -- 3.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Loertscher, McGeachin, Nielsen, Ring, Roberts, Rusche, Sali, Shepherd(8), Wills. Total -- 14.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 375** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 368** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 368** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts,

Rydalch, Saylor, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 368** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bastian to open debate.

The question being, "Shall **H 368** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Saylor, Schaefer, Shepherd(2), Shirley, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 54.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Edmunson(Barker), Ellsworth, Garrett, Henbest, Loertscher, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Skippen, Wills. Total -- 16.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 368** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **HCR 25** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HCR 25** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson,

Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HCR 25** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Raybould to open debate.

The question being, "Shall **HCR 25** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Sayler, Schaefer, Shepherd(2), Shirley, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Stevenson, Trail, Wood. Total -- 54.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Loertscher, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Skippen, Wills, Mr. Speaker. Total -- 16.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HCR 25** adopted and ordered the resolution transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 298**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 298**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker),

Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 298**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

**H 298**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Roberts to open debate.

Mr. Roberts asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 298**, as amended. There being no objection, it was so ordered.

The question being, "Shall **H 298**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bilbao, Black, Bradford, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Harwood, Jaquet, Jones, Lake, Miller, Nielsen, Nonini, Pence, Raybould, Roberts, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24)(Frost), Snodgrass, Stevenson, Wills. Total -- 33.

NAYS -- Barraclough, Bastian, Bell, Boe, Bolz, Cannon, Chadderdon, Edmunson(Barker), Field(23), Hart, Henbest, Henderson, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Moyle, Pasley-Stuart, Ring, Ringo, Rusche, Rydalch, Sayler, Shepherd(2), Smith(30), Smylie, Trail, Wood. Total -- 31.

Absent and excused -- Barrett, Block, Garrett, Mitchell, Sali, Mr. Speaker. Total -- 6.

Paired Votes:

AYE -- Bilbao.	NAY -- Ring.
AYE -- Jaquet.	NAY -- Henbest.
AYE -- Nielsen.	NAY -- McGeachin.
AYE -- Shepherd(8).	NAY -- Rusche.
AYE -- Eskridge.	NAY -- Smith(30).
AYE -- Ellsworth.	NAY -- Loertscher.
AYE -- Collins.	NAY -- Martinez.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 298**, as

amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **HJM 8** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HJM 8** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barracrough, Bastian, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, LeFavour, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Saylor, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24)(Frost), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 52.

NAYS -- None.

Absent and excused -- Barrett, Bilbao, Block, Ellsworth, Garrett, Henbest, Jaquet, Jones, Loertscher, Martinez, McGeachin, Nielsen, Ring, Rusche, Sali, Shepherd(8), Stevenson, Mr. Speaker. Total -- 18.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HJM 8** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

Whereupon the Speaker Pro Tem declared **HJM 8** adopted by voice vote and ordered the memorial transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Monday, March 28, 2005. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 5 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk